

October 8, 2021

VIA ECF

The Honorable Sarah J. Netburn
United States Magistrate Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, New York 10007

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In re Terrorist Attacks on September 11, 2001, Case No. 1:03-md-1570-GBD-SN (S.D.N.Y.)

Dear Judge Netburn:

The Republic of the Sudan writes in response to the Plaintiffs' Executive Committees' September 24, 2001 Letter (ECF No. 7135) regarding the Court's proposal to terminate several caption entries for duplicative or dismissed defendants in this MDL. *See* ECF Nos. 6909, 7012.

The Court's Orders proposed terminating all entries for Sudan except for its correct name, the Republic of the Sudan, and instructed parties to submit any "objections" to the Court's proposal. *See* ECF No. 6909 at 2; ECF No. 7012 at 3. Sudan agreed with the Court's proposal and therefore did not submit any objection to the Court's proposal. The PECs filed their objections on September 24, 2001, and did not consult with counsel for Sudan before doing so. Although the Court issued an Order (ECF No. 7136) within hours of receiving the PEC's objections, Sudan respectfully requests an opportunity to respond to Plaintiffs' objections.

In particular, Sudan asks that the Court direct the Clerk of the Court to terminate all the entries in List A of the Court's August 8, 2021 Order (ECF No. 7012), including "Agencies and Instrumentalities of the Republic of the Sudan," "Republic of Sudan Ministry or Defense," "Sudanese Government of Northern State," and "Sudanese Intelligence Service," because none of these entities is named as a defendant in the two operative complaints against Sudan. *See Ashton* Am. Compl. as to Sudan Defs., ECF No. 6537 ("*Ashton* Compl.") (also adopted by *Betru*, *Parker*, and *Nolan* actions); Consol. Am. Compl. as to the Republic of the Sudan, ECF No. 6539 ("CAC") (covering the *Burnett*, *Federal Insurance*, *Continental Casualty*, and *O'Neill* actions).

By way of background, in November 2020, the Court ordered the PECs and the *Ashton* Plaintiffs to "each separately file a consolidated amended complaint to *supersede all previous complaints* against Sudan." Order 1-2 (Nov. 4, 2020), ECF No. 6521 (emphasis added); *see also* Order Approving Notices to Conform, Short Form Complaints & Notices of Amendment as to Sudan, ECF No. 6547 (setting forth procedures for plaintiffs to conform to or to adopt either the *Ashton* Complaint or CAC). The only defendant listed in the Court's proposal in List A.1 (*see* ECF No.

7012 at 4) and named in the *Ashton* Complaint (*see Ashton* Compl. at 1 & ¶ 2) is “The Republic of Sudan.” And the sole defendant named in the CAC is “The Republic of the Sudan.” *See* CAC at 1 & ¶ 6.

Additionally, even prior to filing the *Ashton* Complaint and the CAC against the Republic of the Sudan in November 2020, certain Plaintiffs voluntarily dismissed their claims against defendants listed in the Court’s proposal in List A.1:

- In 2004, the *Ashton* and *Barrera* Plaintiffs voluntarily dismissed claims against “Intelligence Service, Republic of Sudan,” “Ministry of Defense, Republic of Sudan,” and “Ministry of Defense, Republic of Sudan.” Order of Dismissal (Dec. 6, 2004), ECF No. 563.
- In 2005, the *Salvo* Plaintiffs voluntarily dismissed claims against “Ministry of Intelligence and Security Republic of Sudan” and “Sudanese Government of Northern State.” *See* Order Granting *Salvo* Mot. to Voluntarily Dismiss Defs. (Apr. 4, 2005), ECF No. 791.

The Court therefore should carry out in full its proposal to terminate the entries against duplicative and dismissed defendants as set forth in the Court’s Orders (ECF Nos. 6909, 7012).

Finally, the PECs do not object to the Court’s proposal to “combine entries” that identify “The Republic of the Sudan” and “The Republic of Sudan.” PECs’ Ltr. 1, ECF No. 7135. Sudan likewise does not object to this efficient consolidation.

Respectfully submitted,

/s/ Nicole Erb

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cc: Counsel of Record (via ECF)